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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,697	02/05/2004	Richard Welford	14316	4900

7590 04/27/2006

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EXAMINER

WILHELM, TIMOTHY

ART UNIT PAPER NUMBER

3616

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/772,697

Applicant(s)

WELFORD, RICHARD

Examiner

Timothy D. Wilhelm

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-25 and 27-44 is/are rejected.
- 7) ☒ Claim(s) 17, 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02-05-2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-16, 18-25, 27-39, 41, 42, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Bocker et al (5,975,566). Bocker et al disclose an airbag deployment guide assembly comprising an inflatable curtain 1 deployable adjacent a side structure of a vehicle, a guide member (9, 19, 27 or 27) mountable adjacent an airbag 1, the guide member (9,19,27 or 27) slidably extendable from a retracted position to a guiding position. The guide member (9, 19, 27 or 27) of Bocker is positionable substantially parallel to a vehicle window in the guiding position and comprises a guide rail 25 and a rail engagement arm 27, such that the guide rail 25 slidably retains the rail engagement arm 27. In regard to claims 5, 16, and 25, deployment of the airbag 1 of Bocker et al moves the guide member (9,19,27 or 27) from the retracted position to the guiding position.

3. Bocker et al further disclose a guide assembly wherein the guide member (9, 19, 27 or 27) is "mountable" adjacent the airbag 1 on an inboard side of the airbag 1 and adjacent a B-pillar 11 of a vehicle. In regard to claims 9, 20, 23, and 37, Bocker et al disclose a guide member 27 that is substantially planar. The guide member (9,19,27 or

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27) is "mountable" in the retracted position behind a headliner of a vehicle, such that the guide member (9,19,27 or 27) extends below the headliner of the vehicle in the guiding position. The guide assembly of Bocker et al further comprises a catch 17 that releasably retains the guide member (9,19,27 or 27).

4. In regard to claims 41, 42, and 44, Bocker et al further disclose a method of guiding deployment of an inflatable curtain 1 with a deployment guide assembly comprising a slidably movable guide member (9,19,27 or 27) mounted adjacent an inflatable curtain 1, the method comprising deploying the inflatable curtain 1 such that the inflatable curtain 1 is in constant contact with the guide member (9,19,27, or 27) and thus contacts the guide member (9,19,27 or 27) upon deployment, moving the guide member (9,19,27 or 27) from the retracted position to the guiding position with the deploying inflatable curtain 1, and guiding the deployment of the inflatable curtain 1 substantially parallel to a window of a vehicle. The method of Bocker et al further comprises extending the guide member (9,19,27 or 27) below a headliner of the vehicle in the guiding position and guiding the inflatable curtain 1 between an occupant and a side structure of the vehicle. Referring to claim 44, the recitation that "the deployment guide assembly further comprises guide rails mounted on an inboard side of the inflatable curtain," has not been given patentable weight because it has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure.

5. The examiner notes that the recitation of the term “mountable” is an intended use and does not serve to distinguish the claimed invention over the prior art.

6. Claims 1,2, 5-12, 32, and 35-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Urushi et al (6,254,123). Urushi et al disclose an airbag guide assembly comprising an inflatable curtain 16 deployable adjacent a side structure of a vehicle, a guide member 42 mountable adjacent an airbag 16, the guide member 42 extendable and slidably movable, with respect to the edge portion 42B of the guide member sliding along the upper end portion 51A of the B-pillar, from a retracted position to a guiding position and positionable substantially parallel to a vehicle window. In regard to claims 6 and 40, the guide member 42 has a roughed surface 43. The examiner notes that “roughed is a relative term. Accordingly, as all surfaces have a degree of roughness or friction, surface 43 is considered “roughed.” Urushi et al further disclose that the deployment of the airbag 16 moves the guide member 42 from the retracted position to the guiding position through contact with the guide member’s 42 roughed surface 43. The guide member 42 is mountable adjacent the airbag 16 on an inboard side of the airbag 16 and adjacent a B-pillar 51 of a vehicle and is substantially planar. The upper edge portion 51A of the B-pillar 51 acts as a catch for the end portion 42B of the guide member 42 that releasably retains the guide member 42.

7. In regard to claims 41- 44, Urushi et al further disclose a method of guiding deployment of an inflatable curtain 16 with a deployment guide assembly comprising a slidably movable guide member 42 mounted adjacent an inflatable curtain 16, the method comprising deploying the inflatable curtain 16 such that the inflatable curtain 16

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contacts the guide member 42 upon deployment, moving the guide member 42 from the retracted position to the guiding position with the deploying inflatable curtain 16, and guiding the deployment of the inflatable curtain 16 substantially parallel to a window of a vehicle with the guide member 42. The method of Urushi et al further comprises extending the guide member 42 below a headliner of the vehicle in the guiding position, moving the guide member 42 through the use of friction created between the guide member 42 and the deploying inflatable curtain 16 upon contact between the guide member 42 and curtain 16, and the guide member 42 guiding the inflatable curtain 16 between an occupant and a side structure of the vehicle. Referring to claim 44, the recitation that "the deployment guide assembly further comprises guide rails mounted on an inboard side of the inflatable curtain," has not been given patentable weight because it has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure.

8. Claims 1-5, 7-10, 12-16, 18-21, 23-25, 27-30, 32-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Karlow et al (5,588,672). Karlow et al disclose an airbag deployment guide assembly comprising an inflatable curtain 14 deployable adjacent a side structure of a vehicle, a guide member 28 mountable adjacent an airbag 14, the guide member 28 slidably extendable from a retracted position to a guiding position. The guide member 28 of Karlow et al is positionable substantially parallel to a vehicle window 22 in the guiding position and comprises a guide rail 30 and a rail engagement arm 31, such that the guide rail 30 slidably retains the rail engagement arm

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31. In regard to claims 5, 16, and 25, deployment of the airbag 14 of Karlow et al propels the guide member 28 from the retracted position to the guiding position.

9. Karlow et al further disclose a guide assembly wherein the guide member 28 is "mountable" adjacent an airbag 14 on an inboard side of the airbag 14 and adjacent a B-pillar 18 of a vehicle. In regard to claims 9, 20, 23, and 37, Karlow et al disclose a guide member 28 that is substantially planar. The guide member 28 is "mountable" in the retracted position behind a headliner 16 of a vehicle, such that the guide member 28 extends below the headliner of the vehicle in the guiding position.

10. The examiner notes that the recitation of the term "mountable" is an intended use and does not serve to distinguish the claimed invention over the prior art.

11. Claims 1-5, 7-16, 18-25, and 27-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura et al (6,902,188). Nakamura et al disclose an airbag deployment guide assembly comprising an inflatable curtain 14 deployable adjacent a side structure of a vehicle, a guide member (20,21,22, or 21) mountable adjacent an airbag 12, the guide member (20,21,22, or 21) slidably extendable from a retracted position to a guiding position. The guide member (20,21,22, or 21) of Nakamura et al is positionable substantially parallel to a vehicle window in the guiding position and comprises a guide rail 30 and a rail engagement arm 21, such that the guide rail 30 slidably retains the rail engagement arm 21. In regard to claims 5, 16, and 25, deployment of the airbag 12 of Nakamura et al moves the guide member (20,21,22, or 21) from the retracted position to the guiding position.

12. Nakamura et al further disclose a guide assembly wherein the guide member (20,21,22, or 21) is "mountable" adjacent the airbag 12 on an inboard side of the airbag 12 and adjacent a B-pillar of a vehicle. In regard to claims 9, 20, 23, and 37, Nakamura et al disclose a guide member 21 that is substantially planar. The guide member (20,21,22, or 21) is "mountable" in the retracted position behind a headliner of a vehicle, such that the guide member (20,21,22, or 21) extends below the headliner of the vehicle in the guiding position. The guide assembly of Nakamura et al further comprises a catch 34 that releasably retains the guide member (20,21,22, or 21).

13. The examiner notes that the recitation of the term "mountable" is an intended use and does not serve to distinguish the claimed invention over the prior art.

14. Claims 1-4, 7-10, 12-15, 23-25, 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Maxwell (2,806,737). Maxwell discloses an airbag deployment guide assembly comprising an inflatable curtain 14 deployable adjacent a side structure of a vehicle, a guide member 28 mountable adjacent an airbag 10, the guide member 28 slidably extendable from a retracted position to a guiding position. The guide member 28 of Maxwell is positionable substantially parallel to a vehicle window 16 in the guiding position and comprises a guide rail 24 and a rail engagement arm 26, such that the guide rail 24 slidably retains the rail engagement arm 26. In regard to claims 5, 16, and 25, deployment of the airbag 10 of Maxwell propels the guide member 28 from the retracted position to the guiding position.

15. Maxwell further discloses a guide assembly wherein the guide member 28 is "mountable" adjacent an airbag 10 on an inboard side of the airbag 10 and adjacent a



B-pillar 18 of a vehicle. In regard to claims 9, 20, 23, and 37, Maxwell discloses a guide member 28 that is substantially planar. The guide member 28 is mountable in the retracted position behind a headliner 68 of a vehicle, such that the guide member 28 extends below the headliner of the vehicle in the guiding position.

***Allowable Subject Matter***

16. Claims 17 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Seki et al (5,462,308) disclose a slidably extendable deployment guide for a side curtain restraint system, comprising a substantially planar guide member with an engagement arm and guide rail. Karlow et al (5,660,414) also disclose a slidably extendable deployment guide for a side curtain restraint system.

Brantman et al (5,924,723) and Haig (6,773,031) disclose deployment guides for side impact airbags with slidable guide members mountable in the B-pillar of a vehicle and comprising engagement arms and guide rails. Kuretake et al (5,265,903) disclose a guide assembly for a side restraint apparatus comprising an extendable guide member mountable adjacent the headliner and B-pillar of a vehicle on the inboard side of an airbag. Ishiyama et al (6,305,707) disclose a slidably extendable guide member for a

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side restraint apparatus guiding the airbag between a vehicle occupant and the vehicle sidewall.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Wilhelm whose telephone number is 571-272-6980. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TDW

  
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